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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 3879/2024**

CHIWETAL OKEKE

.....Petitioner

Through: Mr Maneesh Bhardwaj and Mr Fahad Siddiqui,
Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr Aashneet Singh, APP for State

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

07.01.2025

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1. This is a petition seeking regular bail in FIR No. 277/2022, under Sections 21/29 NDPS Act and Section 14 of the Foreigners Act, registered at Police Station –Crime Branch.
2. It is stated by Mr. Bhardwaj, learned counsel for the petitioner that in the present case, the co-accused persons have already been granted bail and hence on parity, the petitioner also needs to be granted bail. In addition, he states that the petitioner is in custody since 27.11.2022 and has already undergone 2 years of incarceration. He further states that 14 witnesses have been named by the prosecution and only charge has been framed and evidence has not started yet.
3. I have heard learned counsel for the parties.
4. In the present case, the petitioner was apprehended with 359 grams of heroin which is commercial quantity. The two co-accused persons who were granted bail were not in possession of the contraband and the allegation



against them was that they had supplied the contraband to the petitioner. Additionally, the two co-accused persons who were also of Nigerian nationality have jumped bail and have already been declared Proclaimed Offenders.

5. Also, the petitioner when apprehended was illegally staying in the country as his visa had already expired. There is no satisfactory reason as to why after expiry of the visa the petitioner continues to remain in India. The only reason *prima facie* seems to be that the petitioner was indulging in trade of narcotics.

6. Lastly, the petitioner has not been able to clear the rigors of Section 37 of the NDPS Act. There are no reasonable grounds showing that the petitioner is not guilty of the offence or that he is not likely to commit the offence if released on bail.

7. For the said reasons, I find no merit in the petition.

8. The petition is dismissed.

9. The status report handed over in Court today is taken on record.

JASMEET SINGH, J

JANUARY 7, 2025

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[Click here to check corrigendum, if any](#)